

Kolak, Shari

US EPA RECORDS CENTER REGION 5



477623

From: Wagaw, Wally (DEQ) <WAGAWW@michigan.gov>
Sent: Monday, June 02, 2014 10:34 AM
To: Kolak, Shari
Subject: RE: West KL Landfill Groundwater Restricted Use Zone (GRUZ)

Hi Shari,

What is EPA's attorney reaction to Mr. Dewitt's note?

I need to pass this note on to my Enforcement folks and see what they have to say about it. I may not have a response for you today on this issue.

Talk to you soon.

Wally

From: Kolak, Shari [mailto:kolak.shari@epa.gov]
Sent: Monday, June 02, 2014 11:21 AM
To: Wagaw, Wally (DEQ)
Subject: FW: West KL Landfill Groundwater Restricted Use Zone (GRUZ)

Wally,

In regard to our call today, I found an e-mail that KLA Group counsel sent to our attorney. Bill later copied me on the e-mail. See below....

From: Kolak, Shari [mailto:kolak.shari@epa.gov]
Sent: Tuesday, April 08, 2014 11:21 AM
To: Gierke, W. G.
Cc: Illes, Robert; Richards, Timothy
Subject: RE: West KL Landfill Groundwater Restricted Use Zone (GRUZ)

Thanks Bill.

From: Gierke, W. G. <W.G.Gierke@pfizer.com>
Sent: Tuesday, April 8, 2014 9:43 AM
To: Kolak, Shari
Cc: Illes, Robert; Richards, Timothy
Subject: FW: West KL Landfill Groundwater Restricted Use Zone (GRUZ)

Good morning Shari.

I wanted to forward the email below from the KLA Group Counsel – to Stu Hersh – that addresses the MDEQ comment about Amending the County Sanitary Code – and why that is not warranted for the ESD process.

Kind regards

Bill

From: DeWitt, Daniel [mailto:DDeWitt@wnj.com]
Sent: Tuesday, April 08, 2014 10:27 AM
To: hersh.stuart@epa.gov
Cc: Gierke, W. G.; Fisk, Sally R. K.
Subject: West KL Landfill Groundwater Restricted Use Zone (GRUZ)

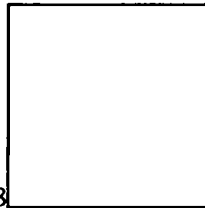
8 April 2014

Dear Stuart:

FYI, it has come to my attention that MDEQ is requesting that the Kalamazoo County Code be amended before the GRUZ is applied for because, in MDEQ's opinion, the Code does not adequately address vertical restrictions on groundwater use. As we have discussed before, I disagree, and so does the County's attorney (I checked with him again). The Code is written so that a GRUZ is defined and set forth *as an amendment to the code*. This leaves us flexibility to define our restrictions both horizontally and vertically as we see fit when we apply for the GRUZ. In fact, a few GRUZs have now been approved and they contain long narrative descriptions and even some built in exceptions for certain wells (see section 19c.05 for the County jail well). Please see: http://www.kalcounty.com/eh/pdf_files/SanitaryCode.pdf, starting on page 43 of 111. Accordingly, we will be able to define our vertical restrictions in our GRUZ definition and no other changes to the Code should be necessary. We are hesitant to further delay and complicate this process at MDEQ's request. Reopening the Code for broad amendments could lead to significant delay, and, I believe, is unnecessary given the flexibility built into the Code.

In any event, I thought I would bring this issue to your attention in case you are asked to review it.

Sincerely, Dan



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This e-mail is confidential. If you are not the intended recipient, please delete it.